

Serial No.: 10/716,510
Atty. Docket No.: P69265US0

R E M A R K S

The amendment to the specification is to provide the patent number and issue date of the co-pending prior application. In the Office Action, claims 1-9, 21 and 22 are indicated as being allowable. These claims are retained in their allowable form. Claim 23 has been rejected and claim 24 has been objected to as being dependent upon a rejected claim. Claim 24 has been rewritten in independent form by including all of claim 23 in its original form thereby placing claim 24 in condition for formal allowance.

New claim 25 has been added and is dependent upon claim 23. Claim 23 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Garland. In view of the inclusion of Figure 8 from published application U.S. 2003/0193219, PTO Form 892 should be corrected to reflect the inventor in this published application is Garland rather than Riddle et al., likewise the document number in PTO 892 should be corrected to U.S. 2003/0193219.

In the rejection of claim 23, the structure in Garland has been interpreted and labeled with respect to claim limitations in claim 23 being applied to Figure 8 of the Garland publication. Applicant submits that the interpretation and labeling of certain of the components in Garland is not supported by the drawings and description of the Garland publication. Additionally, claim 23 has now been amended to include additional limitations which clearly

Serial No.: 10/716,510
Atty. Docket No.: P69265US0

distinguish the claim from the Garland structure. In the rejection, the components labeled "rigid rear support" in reproduced Figure 8 are not described in this manner in the specification of the Garland publication. The structure labeled rear supports in reproduced Figure 8 have reference numeral 80 applied thereto in Figure 1 of the Garland publication. In the Garland publication, the structure labeled rear supports in the reproduced Figure 8 is described as links 80 in page 3 column 1 at 0043.

This description is also found in the subsequently issued Garland patent, No. 6,318,803, in which Figure 8 in that patent is identical to Figure 8 in the Garland publication. In column 4 lines 33 - 37, of the Garland patent, the description of this structure states "Links 20 and 80 of linkage assembly 18 are coupled to chair 12 and slide within slots 83 of slider 84 which is attached to frame 14. As links 20 and 80 translate fore and aft relative to frame 14, so also does chair 12". Based upon this description and the structure illustrated in Figures 1 and 3A of the Garland publication, the pivotal movement of links 80 from the position illustrated in Figures 1 and 8 to the position illustrated in Figure 3A is clearly disclosed. Accordingly, links 80 are not rigid as claimed in claim 23 and as indicated in the reproduction

Serial No.: 10/716,510
Atty. Docket No.: P69265US0

of Figure 8 since they obviously pivot between the two positions illustrated in Figure 1 and Figure 8 of the Garland publication.

To more clearly distinguish from Garland, claim 23 has been amended to define the rear supports as -- a pair of laterally spaced stationary upstanding rigid rear supports --. Further, claim 23 distinguishes from the disclosure in Garland by defining the supporting arms as having a seat supported therefrom and a first pivot connecting a forward end of each of said arms to the upper end of a front pivotal support. In the labeled Figure 8, the first pivot is defined as between what is labeled as a front support 20 (see Figure 1) of the Garland publication and a forward end of an upstanding Y-shaped member connected to the base and labeled the support arm in the reproduction of Figure 8. This labeled structure in Figure 8 reproduced in the Action clearly is not equivalent to or the same as a pair of laterally spaced, generally horizontal supporting arms having a seat supported therefrom in which a first pivot connects a forward end of each of said arms to the upper end of a front pivotal support. The structural relationship now defined in amended claim 23 is not suggested in and not obvious from a careful perusal of Figure 8 in the Garland publication. Quite clearly, in Garland, the seat is connected to the links 20 and 80 and the seat in Garland is not

supported from a pair of laterally spaced, generally horizontal support arms.

Additionally, claim 23 as amended sets forth that a seat back is connected to a rearward end of said arms by a second pivot. In Garland, the seat is connected to the upper ends of the rigid rear supports 20 and 80 by pivots and the seat back is integral with the seat and is not connected to a rearward end of said arms by a second pivot. In Garland, the labeled second pivot connects the branches of the rigid Y-shaped member by links connected to the front end rear links 20 and 80 and the free ends of the Y-shaped structure which has been labeled a support arm. However, the support arm labeled in the reproduction of Figure 8 is not equivalent to a pair of laterally spaced generally horizontal support arms.

Further, the labeled third pivot in Figure 8 of the Garland publication and patent connects the upper ends of the front and rear links 20 and 80 to the seat whereas claim 23 claims a third pivot connecting the upper end of each of said rigid rear supports and said seat back. The "third pivots" in reproduced Figure 8 do not connect the upper end of each of said rigid rear supports and said seat back. Moreover, the third pivot labeled in Figure 8 of the Garland publication clearly is not the same as or equivalent to the third pivot being adjustable in relation to the

Serial No.: 10/716,510
Atty. Docket No.: P69265US0

seat back and said rigid rear supports to adjust the distance between the second and third pivots to vary the force required to move the seat end seat back between upright and reclined positions as set forth in claim 23.

Accordingly, the structure disclosed in the Garland publication, as exemplified by the reproduction of Figure 8 in the Action, is not equivalent to and does not function in the manner defined in claim 23. Therefore, a person of ordinary skill in this art would not find it obvious to reconstruct the structure disclosed in the Garland publication in a manner suggested by the Examiner. Such a skilled person would have no reason to provide a third pivot in Garland located as claimed and would have no reason to construct the Garland device so that the third pivot is adjustable in relation to the seat back and rigid rear supports to adjust the distance between the second and third pivots for the function as defined in claim 23.

In view of the foregoing, Applicant submits that claim 23, as amended, clearly distinguishes patentably from the structure disclosed in the Garland publication. Therefore reconsideration and allowance of amended claim 23 is requested.

New claim 25 depends from amended claim 23 and includes a lock structure in spaced relation to the second and third pivots to lock the arms, seat and seat back in stationary adjusted

Serial No.: 10/716,510
Atty. Docket No.: P69265US0

positions. This enables an occupant of the chair to more easily access the chair and more easily exit from the chair when the chair is locked in the positions of Figures 1 and 8 in the drawings of this application and also enables the chair to be locked in a reclining position as illustrated of Figure 3 of the drawings in this application. The structure disclosed in the Garland publication does not include any similar or equivalent locking device related to the rear supports and arms and in spaced relation to the second and third pivots as defined in new claim 25. Applicant submits that claim 25 also distinguishes patentably from the prior art cited in this application. Favorable consideration of new claim 25 is also requested.

Serial No.: 10/716,510
Atty. Docket No.: P69265US0

With this amendment and the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By: Harvey B. Jacobson, Jr. ^{Reg. No.} 17393
Harvey B. Jacobson, Jr.
Reg. No. 20,851

400 Seventh Street, N. W.
Washington, D.C. 20004
Telephone: (202) 638-6666
Date: September 30, 2005
HBJ:HAS:gm
R:\SHARED\HAS\REHABCO\P69265US0 AMD.2.wpd